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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,586	07/09/2002	Hidekazu Suzuki	2002-0384A	4888

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WENDEROTH, LIND & PONACK, L.L.P.  
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SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER
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TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/088,586

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

Trang U. Tran

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed April 04, 2007 have been fully considered but they are not persuasive.

In re pages 3-4, applicants argue that Lucas fails to disclose or suggest a signal multiplexing part employing a control signal as recited in the claims because Lucas fails to disclose or suggest that the multiplexer 118 uses a control signal to multiplex the four signals, whereby the control signal indicates an area of the HBI where the compressed audio signal is located in the multiplexed signal output to a signal receiver and is itself output to the signal receiver, that there is no disclosure or suggestion that the clock signal indicates an area of the HBI where the compressed audio signal is located in the multiplexed signal, and that the clock signal is not output to a signal receiver.

In response, the examiner respectfully disagrees. As discussed in the last Office Action, Lucas discloses in col. 6, lines 25-38 that

"The information transmitted in the VBI, synchronization, timing, and teletext, is represented in FIG. 4 by the arrow labeled "VBI." This information is generated in a conventional manner and delivered to multiplexer 118 at the MAC sampling frequency.

Multiplexer 118 receives for sets of signals, luminance, chrominance, audio, and synchronization, timing and teletext, all occurring at the MAC sampling frequency. Multiplexer 118 then combines these signals by selecting them **at the appropriate time for inclusion in the MAC video line**. After multiplexing, the signals are reconverted to analog in D/A converter 120, filtered in low-pass filter 122, and output as a MAC color television signal".

From the above passage, it is clear that the multiplexer 118 output the multiplexed audio and video signal and receives the timing signals such as 1365 fh and VBI as shown in Fig. 4. It is noted that the claimed control signal indicates an area of a

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synchronizing period of the video signal where the time-based-compressed audio data is located in the generated video/audio multiplexed signal is anticipated by the timing signal 1365 fh and VBI because they are used to multiplex the audio and video at the appropriate time for inclusion in the MAC video line. Even arguing that the claimed control signal is not anticipated by the timing signal 1365 and VBI, the claimed control signal is an inherent characteristic of the multiplexer 118 because there must be a control signal to control the multiplexer 118 to multiplex the audio and video at the appropriate time for inclusion in the MAC video line.

It is noted that the claimed "signal receiver" can be interpreted as an element that receives the control signal. Thus, the claimed "signal receiver" can be anticipated by the element of Lucas that receives the command signal.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucas (US 4,652,903).

In considering claim 1, Lucas discloses all the claimed subject matter, noted 1) the claimed time-base compression part operable to time-base-compress an audio signal employing a video sampling clock is met by the multiplexer 114 which compresses four channels of delta-modulated audio using 455 fh generated from a

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single master clock, which also is used for sampling the video signal (multiplexer 114 of Fig. 4 and Fig. 5, col. 6, lines 13-23 and lines 39-55), and 2) the claimed signal multiplexing part operable to multiplex the time-base-compressed audio signal and a video signal by, employing a control signal and output a video/audio multiplexed signal, and the control signal to the signal receiver, wherein the control signal, employed by said signal multiplexing part to multiplex the time-based-compressed audio signal and the video signal, indicates an area of a synchronizing period of the video signal where the time-based-compressed audio data is located in the generated video/audio multiplexed signal is met by the multiplexer 118 receiving four sets of signals, luminance, chrominance, audio, and synchronization, timing and teletext to multiplex video, audio and teletext data based on VBI (multiplexer 118 of Fig. 4, col. 6, lines 25-38).

In considering claim 11, the claimed wherein the control signal includes a horizontal synchronizing signal and a video synchronizing signal is met by the VBI disclosed in col. 6, lines 25-29 and shown in Fig. 4.

In considering claim 12, the claimed wherein the signal multiplexing part is operable to multiplex the time-base-compressed audio and the video signal when the control signal is a certain value is met by the multiplexer 118 combining the signals by selecting them at **the appropriate time** for inclusion in the MAC video line (multiplexer 118 of Fig. 4, col. 6, lines 25-38).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 24, 2007



Trang U. Tran  
Primary Examiner  
Art Unit 2622